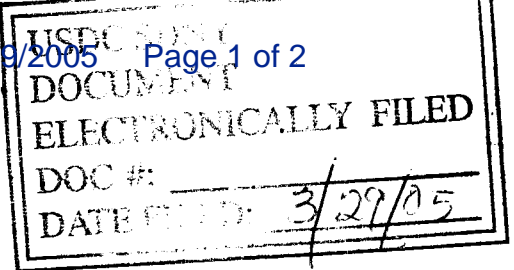


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 Lewis J. Thorney, Meleisha
 Thorney and Milton Thorney
 Plaintiff,

- against -

Vincent J. D'Elia, Esq.,
 Thomas M. McCarthy, Esq.
 Anthony P. Bufone, III, all
 Defendants.
 Delia & McCarthy, a partnership
 -----x

SCHEDULING ORDER

05 Civ. 1970 (SAS)
 Conference Date:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on March 16, 2005 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
 March 28, 2005 Andrew Lavroff Bluestone for Plaintiff, Fitch, King & Caffentzu, by Richard C. King for defendant.
- (2) a concise statement of the issues as they then appear;
 Defendants represented plaintiff in a personal injury matter in Bronx County. Plaintiff alleges that the summons and complaint filed too late, and service never made on underlying defendants.
- (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
 Both Parties & attorneys;
 no depositions by Defendant of plaintiffs.
 - (b) a schedule for the production of documents;
 Defendant to provide entire underlying legal file by 4/10/05
 Defendant does not seek any documents from plaintiff.
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
 EXPERTS on attorney malpractice to be named by 6/1/05.
 EXPERTS to be deposed by 7/15/05
 - (d) time when discovery is to be completed;

(e) the date by which plaintiff will supply its pre-trial order matters to defendant; 7/29/05

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and 8/26/05

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

Aug 2 at 4³⁰

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any; Attorney malpractice in situation in which no summons and complaint filed or served within CPLR limits.

(7) anticipated length of trial and whether to court or jury; 2-3 days

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.

3/28/05

Andrew Bluestein
233 Broadway Suite 2702
New York, NY 10279
(212) 791-5600

Richard C. King
Richard C. King
116 John Street
Suite 1106
New York, NY 10038
(212) 349-7000